

Discrimination Complaint

1. Name of person filing complaint

Nicole McGaugh

2. Person discriminated against

Multiple students enrolled at Holt Public Schools. I am currently an 8th grade science teacher at Holt Junior High School.

3. Name of Institution

Holt Public Schools

5780 West Holt Road

Holt, MI 48842

517-694-0401

Schools: Holt Junior High School

Holt High School

4. Discrimination based on **race**

My students have had a high rate of suspensions this year with the majority of them being students of color

Discrimination based on **disability**

I have had 2 black students with an IEP that have not received the services (1 on 1 paraeducator support) they require to be successful in school

5. **Description of discriminatory act**

Discrimination based on race

Holt Junior High School has been suspending children of color at a much higher rate than their population. Holt High School population is 62.9% white and 37.1% minority as reported in US News & World Report (usnews.com).

As of December 17, 2021, I have had approximately 19 different students suspended out of 123 students (15%) I have enrolled in my science classes. Of these students, 5 of them have been suspended more than once. I have included, dates, race in a table at the end of this report.

Approximately 16 of the 19 (84%) suspended students are minorities. Three of the 19 (16%) suspended students are white. Approximately 5 out of the 19 students have an IEP (26%) compared to 11 special ed students out of my 123 students (~10%)

There have been cases where consequences have not been given consistently and white students are given a lesser consequence. For example, 2 girls were caught with vaporizers. The white girl, Student 1, received a 1 day in school suspension and the black girl, Student 10, received a 1 day out of school suspension. Since the white girl had an in-school suspension, teachers were able to communicate with her and help her with the work she was missing. The black girl had an out of school suspension which does not allow teachers to help with work that is being missed. Another instance of this occurred when 2 different boys were suspended for hitting a girl on the head. The first boy, Student 9 (black), received a 4 day out of school suspension and the second boy, Student 11 (2 or more races but very light skinned), received a 1.5 day in-school suspension. I emailed the principal on October 21, 2021 to ask about the difference in consequences. He emailed me back saying he would explain the difference to me but he wanted to know why I had sent the reply back to everyone who had received the original email. My principal has never explained this to me. I did not feel comfortable going down and asking him about this so I never did get an explanation. I suspect one of the incidents was more violent than the other however this seems to be a very big discrepancy between the consequences given.

I have also had 3 students that have been suspended leave the district. For 2 of the 3 students, I believe they left because they did not feel supported as a minority student.

As a 20+ year veteran teacher, I cannot remember a year where I have had this many suspensions and with almost all of them being students of color. These students have not been given clear expectations of what behavior is supposed to look like outside of the classroom. There were no PBIS lessons taught at the beginning of the year so that all students had clear expectations. A school community has not been created because of this so restorative justice practices are not very useful. By not teaching PBIS lessons, minority

students have been suspended more than their white counterparts and restorative justice has not been utilized to its full potential.

Discrimination based on **disability**

I have a black special education student, Student 3, that has been suspended 4 different times this year due to his IEP not being followed. He has been suspended the most times (4 times or 14% of suspensions) and for the most days this year (18 days or 24% of all days). All of these times, I believe Student 3 has been suspended because he has not received all of the supports he is entitled to mainly a one on one paraeducator. Student 3 has it written in his IEP that he is supposed to have a 1 on 1 paraeducator with him. This did not happen until he had been suspended twice. I have emailed Robert Bobeda(principal) and Melissa Stuard(special ed director) several times about having a meeting for Student 3 so he could be successful and to address paraeducator concerns. The first time I emailed was on September 21, 2021. I emailed on October 19, 2021 and October 21, 2021 to have a meeting about Student 3's paraeducator. On October 28, 2021, my union president called my principal to tell him if he didn't schedule a meeting about this, I would be filing a grievance through the union. Later that day, he scheduled a meeting about Student 3 on November 4, 2021. At the meeting on November 4, there were 7 people present, Robert Bobeda (principal), Margaret McMillian (case manager), Kristen Coon (social worker) and team teachers, Megan McElwee, William Berti, Sarah Kennedy and myself. At this meeting, Robert Bobeda tried to explain why Student 3 did not have a paraeducator assigned to him at the beginning of the year. One reason he stated, was because Student 3 did so well when we came in person last spring that he didn't think Student 3 needed the support. Robert Bobeda also stated that Student 3 didn't get a paraeducator at the beginning of the year because other student's parents would call and complain if their student did have the support they needed. This shows premeditation and that students were not assigned paraeducators based on need but on what parents would call and complain. It is important to note that Student 3 was in the foster care system the first days of school while social services located his father. After my principal stated other parents would call and complain, I said to him that is why I had to "force" this meeting. My principal then lied and said the meeting was not forced although everyone in the room knew it had been. I

do not trust administration to act in the best interests of one my most at-risk students. Student 3 has not been school since November 30, 2021.

I have found out a similar situation is happening at Holt High School to one of my last year's students, Student 20. Student 20 is also supposed to have a one on one paraeducator. He did not had a paraeducator assigned to him at the beginning of the year. Since he has not had a paraeducator, he has been suspended and has had his schedule reduced to half time. Kristen Coon (social worker) was asked at the beginning of the year who needed para support the most and she said Student 20 yet he was still not assigned paraeducator. Student 20's mother has given permission for Lisa Johnson to advocate for him since she is not able to do so. I believe that since Student 20 is not getting the support he needs as stated in his IEP that he is not being successful and has had to go on a reduced schedule. This makes me feel like some of our most at-risk students are being targeted due to race and social circumstances.

6. Most recent date you were discriminated against – This is an ongoing problem.
7. Not applicable
8. No
9. Not applicable
- 10.

11. What remedy are you seeking?

- An audit of the disciplinary decisions made at Holt over the last 5 years to determine trends in over disciplining youth with disabilities and/or youth of color
- A corrective action plan put into place to address all issues found in the audit
- Ongoing oversight and review of all disciplinary decisions involving youth with disabilities and youth of color in Holt Schools for the next 5 (or whatever) years
- The creation of a discipline ombuds in the district for parents to contact if they have concerns about over disciplining of their students and identify areas where civil rights need to be protected especially for highly at risk, minority students.
- For restorative justice to be utilized so less suspensions occur